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Application No. 09/773,406
Amendment A

REMARKS

Responsive to the Office Action mailed April 6, 2005, Applicant provides the following. No claims have been amended, canceled or added. Twenty-one (21) claims remain pending in the application: Claims 1-21. Reconsideration of claims 1-21 in view of the remarks below is respectfully requested.

By way of this amendment, Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Claim Rejections - 35 U.S.C. §103

1. Claims 1, 2, 5-8, 10-15 and 20-21 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,999,691 (Takagi et al.) in view of U.S. Patent No. 5,450,139 (Haraguchi et al.).

Regarding independent claims 1, 8, and 12, it has been asserted that the device of Takagi continuously records an input television signal to memory and continuously decodes and plays the input television signal having been recorded. However, Applicant notes that the device of Takagi normally does not record and play the input television signal, i.e., during normal operation, the selector 5 displays the input television signal directly from the tuner 1. Generally, Takagi describes an end-user television receiver that allows a user to interrupt viewing of a broadcast television signal and then resume viewing the television broadcast from the point of the user interrupt. The only time the television receiver records the television broadcast signal is when a user interrupt command (user input a) is received to trigger the recording of the input television signal, and after a user input restart command (user input b) signals the replaying of the recorded video signal while also continuing to record the input

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television signal. The receiver plays back the recorded video signal at rate higher than the record rate (or by skipping frames, see col. 10, lines 1-5) in order to allow the user to catch up with the real-time broadcast within a desired period of time. (Takagi, col. 8, lines 40-47). Once the user has caught up to the real time television broadcast, the television receiver ceases to record the television broadcast signal and the selector 5 switches back to the input signal from the tuner 1. Thus, switching between the recorded signal and the real time television signal output by the tuner is controlled by the user inputs.

Applicant agrees that Takagi does not teach control means for monitoring the output signal and outputting the input television signal in the event there is no output video signal from the recorder as variously recited. It is also asserted that this feature is rendered obvious by the teaching of Haraguchi. Applicant respectfully traverses and asserts that the teaching of Haraguchi if combined with Takagi does not render the claims obvious.

Haraguchi describes a video signal broadcast transmission device wherein a duplicate copy of video content to be broadcast is maintained within a duplicate storage device 50. In the event of a failure of a selected memory buffer 30 to provide an output video signal for transmission during the buffering of the video content, the device switches to a duplicate output video signal from the duplicate storage device in order to ensure a continuous broadcast and to prevent "dead air" (Haraguchi, col. 4, line 66 through col. 5, line 34). Thus, Haraguchi teaches switching between a normal output video signal and a redundant output video signal in the event of a failure while reading the normal output video signal from a selected memory buffer. The teaching of Haraguchi is in the context of a *broadcast* transmission device, not a television receiver that receives an input television signal, such as the teaching of Takagi.

Thus, at best, the teaching of Haraguchi as applied to Takagi would be for Takagi to include a duplicate memory 3' and circuits 2, 4 such that if during playback

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(after user inputs a and b), the output video signal from the primary memory 3 fails, the selector 5 could switch to the duplicate output video signal from the duplicate memory 3' so that a continuous output video signal could be obtained. In other words, the proposed combination would not teach or suggest "monitoring the output signal and outputting the input television signal in the event there is no output video signal from the recorder" as variously recited in claims 1, 8 and 12.

Furthermore, Takagi would *teach away* from the proposed combination. The object of Takagi is to allow the user to watch an entire television program even when the user interrupts watching the program for a while (see Takagi, col. 3, lines 5-9). If Takagi were modified as suggested, such that the selector 5 switched to the input signal from the television tuner rather than a redundant recorded output video signal from a duplicate device memory, the user would miss at least a portion of the program when the displayed video signal skips from the recorded programming back to the real time broadcast, i.e., the user could not watch an entire television program even when the user interrupts watching the program. Thus, the combination, as suggested in the present Office Action, would render the television receiver of Takagi unsuitable for its intended purpose, which is prohibited by MPEP 2143.01. Thus, there would be no suggestion or motivation to make the proposed modification to Takagi.

Thus, at least for the reasons presented above, the proposed combination of Takagi and Haraguchi does not teach or suggest the steps of and the means for monitoring an output and outputting the input television signal in the event there is no output video signal from the recorder as recited in claims 1 and 8, and also does not teach a switch that outputs the input television signal in the event the output video signal is not output, as recited in claim 12. Therefore, independent claims 1, 8 and 12 are not obvious in view of the combined references, and thus, dependent claims 5-7, which depend from claim 1, the dependent claims 9-11 which depend from claim 8, and dependent claims 13-21 which depend from claim 12, are also not obvious in view of the

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combined references for at least the reasons provided.

2. Claims 3 and 19 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,999,691 (Takagi et al.) in view of U.S. Patent No. 5,450,139 (Haraguchi et al.), and U.S. Patent No. 6,226,447 (Sasaki et al.).

It was demonstrated above that the combination of Takagi and Haraguchi failed to teach that as recited by claims 1 and 12. Sasaki adds no further teaching in combination with Takagi and Haraguchi to render claims 1 and 12 obvious. Therefore, claims 1 and 12 are not obvious in view of the proposed combination, and thus, dependent claim 3, which depends from claim 1, and dependent claim 19, which depends from claim 12, are also not obvious in view of the proposed combination at least due to their dependency on claims 1 and 12.

3. Claims 4 and 9 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,999,691 (Takagi et al.) in view of U.S. Patent No. 5,450,139 (Haraguchi et al.), and U.S. Patent No. 5,838,383 (Chimoto et al.).

It was demonstrated above that the combination of Takagi and Haraguchi failed to teach that as recited by claims 1 and 8. Chimoto adds no further teaching in combination with Takagi and Haraguchi to render claims 1 and 8 obvious. Therefore, claims 1 and 8 are not obvious in view of the proposed combination, and thus, dependent claim 4, which depends from claim 1, and dependent claim 9, which depends from claim 8, are also not obvious in view of the proposed combination at least due to their dependency on claims 1 and 8.

4. Claims 16 and 17 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,999,691 (Takagi et al.) in view of U.S. Patent No. 5,450,139 (Haraguchi et al.), and U.S. Patent No. 4,679,085 (Johnson et al.).

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It was demonstrated above that the combination of Takagi and Haraguchi failed to teach that as recited by claim 12. Johnson adds no further teaching in combination with Takagi and Haraguchi to render claim 12 obvious. Therefore, claim 12 is not obvious in view of the proposed combination, and thus, dependent claims 16 and 17, which depend from claim 12, are also not obvious in view of the proposed combination at least due to their dependency on claim 12.

5. Claim 18 stands rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,999,691 (Takagi et al.) in view of U.S. Patent No. 5,450,139 (Haraguchi et al.), and U.S. Patent No. 4,103,847 (Thomas et al.).

It was demonstrated above that the combination of Takagi and Haraguchi failed to teach that as recited in claim 12. Thomas adds no further teaching in combination with Takagi and Haraguchi to render claim 12 obvious. Therefore, claim 12 is not obvious in view of the proposed combination, and thus, the dependent claim 18, which depends from claim 12, is also not obvious in view of the proposed combination at least due to its dependency on claim 12.

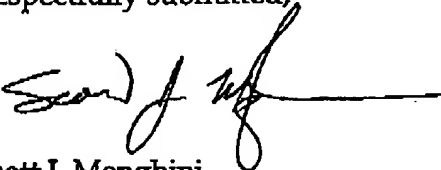
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CONCLUSION

Applicant submits that the remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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